



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,909	09/26/2003	William D. McKay	RBD-115-A	9185
22440 7590 01/31/2007 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 100160601			EXAMINER CHIN, RANDALL E	
			ART UNIT 1744	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/31/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/672,909

Applicant(s)

MCKAY, WILLIAM D.

Examiner

Randall Chin

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,8,30-32 and 48-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8,30-32 and 48-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09112006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In paragraph [0069], line 5, it appears the comma should be deleted after "rotatable spindle 132".

The recitation of the "edge 34" (paragraph [0070], line 5) and the "edge 134" (paragraph 0071], line 8) makes the description confusing. Further, note "edge 134" (paragraph 0071], line 8) and "collar 134" (occurs throughout paragraph [0069]) should not have the same reference numeral. See also Fig. 4 showing collar 134.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 8, 30-32, 48-54 and 56 are rejected under 35 U.S.C. 102(b) as being anticipated by Barela 5,924,157 (hereinafter Barela).

The patent to Barela discloses a cleaning apparatus (Fig. 1) comprising a rotatable roll assembly including a wound roll 12 with outward facing adhesive surfaces

66, the roll formed of a plurality of separable sheets 64 (Fig. 6), each defined by an edge separable from an adjacent sheet (col. 4, lines 32-34), a support element (Figs. 6 or 8, for example) rotatably supporting the roll assembly, and first means 74 carried on the roll assembly and second means 76 carried on the support element, said first and second means releasably engageable with one another only when said roll assembly is at a specific rotatable position relative to said support element (i.e., **when the slot 76 is aligned with lug 74 as shown in Fig. 8**) for rotatably orienting the edge of each sheet, as the edge of each sheet becomes the outermost edge of the roll, at a predetermined angular location relative to the support. Such recitation in the claim is deemed broad and fails to patentably define over Barela and thus broadly meets this language.

As for claim 8, the support element includes a handle 42 and a spindle 27 axially fixedly extending from the handle, and the roll assembly includes a rotatable member defined by end cap 72 rotatably mounted on the spindle, the roll mounted on the rotatable member, and the first means includes a lug or projection 74 on the handle and the second means includes spaced members 76 carried on the rotatable member (Fig. 8), and spaced members 76 defined by the roll core at each end carried on the rotatable member and defining a channel for receiving the projection 74 to releasably lock the rotatable member from rotation with respect to the handle.

As for claim 30, the support element comprises a handle 42, and the roll assembly includes a spindle 27, and means carried on the handle and the spindle, for rotatably coupling the spindle to the handle (Figs. 8 and 10).

As for claim 31, the first and second means comprises, a slot or "stop" 76 carried on one of the handle and the spindle, and a projection or arm 74 (Fig. 8) carried on the other of the handle and the spindle and rotatably engageable with the stop.

As for claim 32, the separable edge or perforations of each of the plurality sheets in the roll are cut longitudinally and thus deemed "radially aligned" (col. 4, lines 32-34).

As for claim 48, the roll support comprises a rotatable spindle since it causes the rotation of the roll.

As for claim 49, said spindle includes at least one rotatable collar defined by end cap 72 for engaging said wound roll.

As for claim 50, said at least one collar 72 comprises a pair of opposed rotatable spaced collars (at each end) with a "carriage" formed of a plurality of ribs or straps 84 (Fig. 8) rotatably located therebetween.

As for claim 51, said first means comprises at least one "stop member" which can broadly be the projections 74, 74 fixedly carried on said at least one collar.

As for claim 52, broadly, said at least one stop member 74 comprises a pair of stop members 74, 74 (Fig. 8) carried on said at least one roller for defining "a channel" therebetween.

As for claim 53, wherein the support element includes a handle 42 extending from said rotatable spindle.

As for claim 54, broadly, said handle carries said second means defined as a "latch" member 74 releasably engageable in said channel.

As for claim 56, said first means comprises at least one "stop member" which can broadly be the projections 74, 74 also broadly fixedly carried on said spindle.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barela.

As for the latch members being "rounded" in form, such selection of the shape of the latch members in Barela is deemed obvious since changes in shape are deemed generally within the level of ordinary skill for facilitating a smoother engagement and disengagement than sharper edges/corners of the latch members.

Conclusion

6. Applicant's arguments filed 26 December 2006 have been fully considered but they are not persuasive.

The rejection based upon Sohmer has been withdrawn and is therefore not at issue.

With respect to the Barela patent, the rejection of claims 1, 8, 30-32 and 48-56 is being maintained as set forth in the above art rejections. As already stated above, Barela clearly sets forth first means 74 carried on the roll assembly and second means

76 carried on the support element, "said first and second means releasably engageable with one another only when said roll assembly is at a specific rotatable position relative to said support element" (i.e., **when the slot 76 is aligned with lug 74 as shown in Fig. 8**) for rotatably orienting the edge of each sheet, as the edge of each sheet becomes the outermost edge of the roll, at a predetermined angular location relative to the support. Such quoted recitation above is deemed broad and fails to patentably define over Barela and thus broadly meets this language. In other words, when the first and second means are **only at a specific rotatable position relative to said support element**, they are releasably engageable "for rotatably orienting the edge of each sheet, as the edge of each sheet becomes the outermost edge of the roll, at a predetermined angular location relative to the support" (another broad recitation).

For these reasons, the rejection of claims 1, 8, 30-32 and 48-56 are deemed proper.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 1744

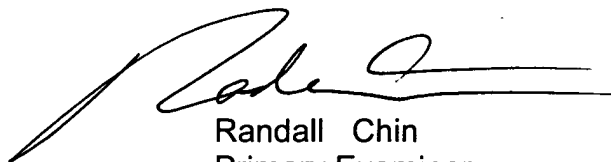
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 1744

A handwritten signature in black ink, appearing to read "Randall Chin", with a long horizontal flourish extending to the right.

Randall Chin
Primary Examiner
Art Unit 1744